Article 19: July 12, 2010 BD 5/17/10

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
C.G MERSEREAU
NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

	Date of mailing *(day/month/year)* 12 MAY 2010
Applicant's or agent's file reference 20030304.WP.CIP	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/US 10/00552	International filing date *(day/month/year)* 25 February 2010 (25.02.2010)
Applicant TRAVANTI PHARMA INC.	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 8270

   For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US	Authorized officer:
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/220 (January 2004) *(See notes on accompanying sheet)*

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 20030304.WP.CIP	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US 10/00552	International filing date *(day/month/year)* 25 February 2010 (25.02.2010)	(Earliest) Priority Date *(day/month/year)* 26 March 2009 (26.03.2009)
Applicant TRAVANTI PHARMA INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

   a. With regard to the language, the international search was carried out on the basis of:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

   b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).

   c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (see Box No. II).

3. ☐ Unity of invention is lacking (see Box No. III).

4. With regard to the title,

   ☒ the text is approved as submitted by the applicant.

   ☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

   ☒ the text is approved as submitted by the applicant.

   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

   a. the figure of the drawings to be published with the abstract is Figure No. 1

   ☐ as suggested by the applicant.

   ☒ as selected by this Authority, because the applicant failed to suggest a figure.

   ☐ as selected by this Authority, because this figure better characterizes the invention.

   b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 10/00552

A. CLASSIFICATION OF SUBJECT MATTER
IPC(8) - B01J 10/00, B01J 10/02, B01J 12/00, B01J 12/02, B01J 14/00, B01J 15/00 (2010.01)
USPC - 422/129
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC(8) - B01J 10/00, B01J 10/02, B01J 12/00, B01J 12/02, B01J 14/00, B01J 15/00
USPC - 422/129

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
B01J 16/00, B01J 19/00
206/216, 223, 349, 363, 364, 365, 366, 570

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
PubWEST(USPT,PGPB,EPAB,JPAB); Google Scholar;
Search Terms Used: drug, medicine, medication, pharmaceutical, disposal, waste, coal, charcoal, carbon, activated, adsorption, chemisorption, HPMC

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X --- Y	US 2007/0250339 A1 (MALLETT et al.) 25 October 2007 (25.10.2007) para[0003], para[0016], para[0020], para[0039], para[0101], para[0153] - [0155], para[0168]	1, 2, 7, 11 and 13 --- 3-6, 8-10, 12 and 14-28
Y	US 5,597,617 A (DELISO et al.) 28 January 1997 (28.01.1997) Abstract, col 1, ln 14-34, col 2, ln 20-48, col 5, 46-59, col 9, ln 27-55.	3-6, 10, 12 and 14-28
Y	US 2006/0110080 A1 (THOMAS et al.) 25 May 2006 (25.05.2006) para[0097], para[0104] - para[0107] and FIG. 2.	8-9
E	US 2009/0131732 A1 (DAY) 21 May 2009 (21.05.2009) Entire document.	1-28

☐ Further documents are listed in the continuation of Box C. ☐

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
01 April 2010 (01.05.2010)	12 MAY 2010
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US, Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/210 (second sheet) (July 2009)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: C.G MERSEREAU
NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	12 MAY 2010

Applicant's or agent's file reference	FOR FURTHER ACTION
20030304.WP.CIP	See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US 10/00552	25 February 2010 (25.02.2010)	26 March 2009 (26.03.2009)

International Patent Classification (IPC) or both national classification and IPC
IPC(8) - B01J 10/00, B01J 10/02, B01J 12/00, B01J 12/02, B01J 14/00, B01J 15/00 (2010.01)
USPC - 422/129

Applicant TRAVANTI PHARMA INC.

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US	Date of completion of this opinion	Authorized officer:
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	01 April 2010 (01.05.2010)	Lee W. Young PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US 10/00552

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

      ☐ on paper

      ☐ in electronic form

   b. (time)

      ☐ in the international application as filed

      ☐ together with the international application in electronic form

      ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US 10/00552

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-28	YES
	Claims	None	NO
Inventive step (IS)	Claims	None	YES
	Claims	1-28	NO
Industrial applicability (IA)	Claims	1-28	YES
	Claims	None	NO

2. Citations and explanations:

Claims 1, 2, 7, 11 and 13 lack an inventive step under PCT Article 33(3) as being obvious over US 2007/0250339 A1 to Mallett et al. (hereinafter: Mallett).

As per claim 1, Mallett describes a disposal system (Abstract) for reducing substance abuse or environmental contamination from unused medications (para [0003], [0010], [0039]), said system comprising:
(a) a disposable (para [0101]), sealable (para [0153]) container that can be opened to receive an amount of unused medication substance therein (para [0038]);
(b) an amount of an active binding agent in said container for treating said medication on contact (para [0168]: solidifying agents), said binding agent including an amount of material selected from the group consisting of adsorption and chemisorption agents that generally prevent later independent extraction of said medication such that insertion of said medication into said container will cause said medication to contact said binding agent (para [0168]); and
(c) said container including a closure (para [0164], FIG. 10) to capture a treated medication (para [0153], [0155]),
but fails to describe the closure being sealable.
However, Mallett does describe a supplemental closure, which is sealable (para [0167]). It would have been obvious to one skilled in the art to make the initial closures also sealable so as to prevent accidental leaks during the use of the device.

As per claim 2, Mallett describes a disposal system as in claim 1 wherein said active binding agent includes material selected from the group consisting of adsorption and chemisorption agents and combinations thereof (para [0168]: chemisorption: "absorbent" by a "chemical reaction").

As per claim 7, Mallett describes the disposal system as in claim 1 wherein said container is impervious to organic vapors (para [0154]: HMWPE, PVC).

As per claims 11 and 13, Mallett describes the disposal system as in claim 1 and 7, respectively, but fails to describe wherein said closure is resealable. However, Mallett does describe wherein the closure is opened and closed multiple times until it is full, when it is then locked and sealed (para [004], [0152]-[0153], [0020], [0167], [0169]-[0173]). Mallett further describes a sealable closure (para [0167]). It would have been obvious to one skilled in the art to make the initial closure also sealable so as to prevent accidental leaks during the use of the device.

Claims 3-6, 10, 12 and 14-26 lack an inventive step under PCT Article 33(3) as being obvious over Mallett in view of US 5,597,617 A to DeLiso et al. (hereinafter: DeLiso).

As per claim 3, Mallett describes a disposal system as in claim 2, but fails to describe wherein said active binding agent includes activated carbon.
However, DeLiso describes a porous absorbent composition with activated carbon binding agents dispersed therein (Abstract, col 2, ln 20-30).
It would have been obvious to one skilled in the art to utilize activated carbon as the binding agent as described by DeLiso on the device of Mallett because Mallett describes using porous absorbent materials without limiting the material (para [0168]) and DeLiso describes that activated carbon is known in the art with such characteristics (col 1, ln 14-34) and further provides an updated composition of activated carbon which would provide high absorbency and help inactivate the pharmaceutical (col 2, ln 42-47).

As per claim 4, Mallett and DeLiso describes the disposal system as in claim 3, DeLiso describes further comprising a suspension substance to suspend said activated carbon to improve contact with said medication (col 2, ln 20-48).

As per claims 5 and 6, Mallett and DeLiso describes the disposal system as in claim 4 and 5, respectively, DeLiso describes wherein said suspension substance further comprises a gelling agent AND wherein said gelling agent comprises hydroxypropylmethylcellulose (HPMC) (Abstract, col 9, ln 27-55).

As per claim 10, Mallett and DeLiso describe the disposal system as in claim 3, DeLiso describes wherein said activated carbon is of a particle size generally between about 8 mesh and about 325 mesh (col 9, ln 27-55).

----------Please See Continuation Sheet----------

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US 10/00552

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:
----------Box V.2. Citations and explanations----------

As per claim 12, Mallett and DeLiso describe the disposal system as in claim 6, Mallett further describes wherein said closure is resealable (para [0016], [0020], [0153]-[0154]).

As per claim 14, Mallett describes parts for disposing of unused medications (Abstract, para [0003], [0039]) comprising:
(a) a disposable (para [0101]) sealable (para [0153]) container for accommodating an amount of unused medication;
(b) an amount of an active binding agent for treating said medication on contact to be used in said container (para [0168]);
but fails to describe (c) optionally, an amount of a suspension substance to suspend said active binding agent to promote contact with said medication OR providing the contents in a form of a kit.
However, it would have been obvious to one skilled in the art to provide the contents in the form of a kit such that the parts could be packaged, stored and shipped differently, thus potentially saving costs.
Furthermore, DeLiso describes a porous absorbent composition with active binding agents dispersed therein (Abstract, col 2, ln 20-30) with a suspension substance to suspend said active binding agent to promote and improve contact with the substance of interest (col 2, ln 20-48).
It would have been obvious to one skilled in the art to utilize a binding agent as described by DeLiso on the device of Mallett because Mallett describes using porous absorbent materials without limiting the material (para [0168]) and DeLiso describes that activated carbon is known in the art with such characteristics (col 1, ln 14-34) and further provides an updated composition of activated carbon which is dispersed within a suspension substance, the combination of which would provide high absorbency and help inactivate the pharmaceutical (col 2, ln 42-47).

As per claim 15, Mallett and DeLiso describes the kit as in claim 14, DeLiso describes wherein said active binding agent includes activated carbon (col 2, ln 20-30).

As per claim 16, Mallett and DeLiso describes the kit as in claim 15, DeLiso describes wherein said activated carbon is of a particle size generally between about 8 mesh and about 325 mesh (col 9, ln 27-55).

As per claim 17, Mallett and DeLiso describes the kit as in claim 14, DeLiso describes wherein said suspension substance further comprises a gelling agent (Abstract, col 9, ln 27-55: HPMC).

As per claim 18, Mallett and DeLiso describes the kit as in claim 14, DeLiso describes wherein further comprising a substance selected from the group consisting of oxidant, antagonist, and irritant compounds, pre-adsorbed on a portion of said binding agent (col 5, ln 48-59).

As per claim 19, Mallett and DeLiso describes the kit as in claim 18, DeLiso describes wherein wherein said activated carbon is of a particle size generally between about 8 mesh and about 325 mesh (col 9, ln 27-55).

As per claim 20, Mallett describes a disposal system (Abstract) for reducing substance abuse or environmental contamination from unused medications (para [0003], [0039]), said system comprising:
(a) a disposable(para [0101]), sealable (para [0153]) container that includes a provision for opening to provide an access for receiving an amount of unused medication therein;
(b) an amount of an active binding agent (para [0168]: solidifying agents) in said container for treating said unused medication on contact to inhibit later independent extraction of said medication (para [0168]);
(d) closure (para [0164],FIG. 10) for closing said disposable container thereby capturing a treated medication (para [0153], [0155]),
but fails to describe the closure being sealable OR the container in the form of a soft pouch OR including an amount of activated carbon OR (c) optionally, a suspension substance including a gelling agent in said container for suspending said activated carbon.
However, Mallett does describe a supplemental closure, which is sealable (para [0167]). It would have been obvious to one skilled in the art to make the initial closures also sealable so as to prevent accidental leaks during the use of the device.
It would have been further obvious to one skilled in the art to provide the container in the form of a soft pouch, or any other form, so as to meet the space, cost, flexibility needs of the application and because soft plastic pouches are known receptacles.
Furthermore, DeLiso describes a porous absorbent composition with active carbon binding agents dispersed therein (Abstract, col 2, ln 20-30) with a suspension substance to suspend said active binding agent to promote and improve contact with the substance of interest (col 2, ln 20-48).
It would have been obvious to one skilled in the art to utilize the carbon binding agent as described by DeLiso on the device of Mallett because Mallett describes using porous absorbent materials without limiting the material (para [0168]) and DeLiso describes that activated carbon is known in the art with such characteristics (col 1, ln 14-34) and further provides an updated composition of activated carbon which is dispersed within a suspension substance, the combination of which would provide high absorbency and help inactivate the pharmaceutical (col 2, ln 42-47).

As per claim 21 and 24, Mallett and DeLiso describes the disposal system as in claims 20 and 3, respectively, DeLiso describes further comprising an ingredient selected from the group consisting of antagonist, oxidant and irritant compounds or a combination thereof pre-adsorbed on a portion of said activated carbon (col 5, ln 48-59).

As per claim 22-23, Mallett and DeLiso describes the disposal system as in claims 20 and 21, respectively, DeLiso describes wherein said activated carbon is of a particle size generally between about 8 mesh and about 325 mesh (col 9, ln 27-55).

As per claim 25, Mallett and DeLiso describes the disposal system as in claim 20, but fail to describe wherein said closure is resealable. However, Mallett does describe wherein the closure is opened and closed multiple times until it is full, when it is then locked and sealed (para [004], [0152]-[0153], [0020], [0167], [0169]-[0173]). Mallett further describes a sealable closure (para [0167]). It would have been obvious to one skilled in the art to make the initial closure also sealable so as to prevent accidental leaks during the use of the device.

----------Please See Continuation Sheet----------

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:
----------Box V.2. Citations and explanations----------

As per claim 26, Mallett describes a method of disposing of unused medications (Abstract, para [0003], [0039]) comprising:
(a) providing a sealable (para [0153], [0155]) container for containing treated unused medication (para [0168]);
(b) providing an amount of an active binding agent (para [0168]: solidifying agents) for treating said unused medication;
(c) opening said container and inserting said unused medication (para [0168], [0156]);
(e) causing said unused medication to contact said binding agent in said container (para [0168]); and
(f) sealing said container (para [0166], [0167]).
but fails to describe including activated carbon OR (d) optionally providing an amount of a substance selected from the group consisting of suspension substances for said activated carbon and substances to dissolve solid medications in said containers;
However, DeLiso describes a porous absorbent composition with active carbon binding agents dispersed therein (Abstract, col 2, ln 20-30) with a suspension substance to suspend said active binding agent to promote and improve contact with the substance of interest (col 2, ln 20-48).
It would have been obvious to one skilled in the art to utilize the carbon binding agent as described by DeLiso on the device of Mallett because Mallett describes using porous absorbent materials without limiting the material (para [0168]) and DeLiso describes that activated carbon is known in the art with such characteristics (col 1, ln 14-34) and further provides an updated composition of activated carbon which is dispersed within a suspension substance, the combination of which would provide high absorbency and help inactivate the pharmaceutical (col 2, ln 42-47).

As per claim 27, Mallett and DeLiso describe the method as in claim 26, but fail to describe wherein (c) includes adding an amount of water to said container to dissolve said medication or cause it to contact a patch. However, it would have been obvious to one skilled in the art to dissolve the medication if it were a solid dose, so as to physically allow it to be filtered and captured by the binding agents.

As per claim 28, Mallett and DeLiso describe the method as in claim 26, but fails to describe wherein said binding agent is contained in a gel. However, DeLiso describes wherein said binding agent is dispersed in a gelling agent which is later solidified (Abstract, col 9, ln 27-55). It would have been obvious to one skilled in the art to provide the composition in the gelled state so as to better conform flexible containers.

Claims 8-9 lack an inventive step under PCT Article 33(3) as being obvious over Mallett in view of US 2006/0110080 A1 to Thomas et al. (hereinafter: Thomas).

As per claim 8, Mallett describes the disposal system as in claim 1, but fails to describe wherein said closure is selected from adhesive seals and plastic container zipping reusable closure devices. However Thomas describes a disposable medical bag/container (para [0097]) which comprises a plastic container zipping reusable closure device (FIG. 2; para [0063], [0064]). It would have been obvious to one skilled in the art to utilize the type of bag/closure described by Thomas because they are a very common type of bags which are readily available and inexpensive.

As per claim 9, Mallett describes the disposal system as in claim 1, but fails to describe wherein said container is in the form of a pouch which includes a layer of metal foil. However Thomas describes a disposable medical bag/container (para [0097]) which comprises a pouch (FIG. 2) which includes a layer of metal foil (para [0104], [0107]). It would have been obvious to one skilled in the art to utilize the type of bag/closure described by Thomas because they are a very common type of bags which are readily available and inexpensive, and the addition of the foil layer would prevent the leeching of the active (and possibly noxious) agents into the environment (Thomas: para [0105]).

Claims 1-26 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.